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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of

Docket No: Q88366

Hiroshi HORIUCHI, et al.

Appln. No.: 10/537,493

Group Art Unit: 1761

Confirmation No.: 4639

Examiner: Not yet assigned

Filed: June 03, 2005

For: METHOD FOR PRODUCING FERMENTED MILK AND FERMENTED MILK

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT U.S. Appln. No.: 10/537,493

filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/537,493

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

Registration No. 32,197

SUGHRUE MION, PLLC Telephone: (202) 293-7060

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WASHINGTON OFFICE 23373
CUSTOMER NUMBER

Date: January 17, 2006

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STATEMENT UNDER 37 C.F.R. § 1.704(d)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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WASHINGTON OFFICE 23373
CUSTOMER NUMBER

Date: January 17, 2006

Mark Boland

Registration No. 32,197

Complete if Known Substitute for Form 1459 A & B/PTO Application Number 10/537.493 EINFORMATION DISCLOSURE Confirmation Number 4639 STATEMENT BY APPLICANT Filing Date June 03, 2005 First Named Inventor Hiroshi HORIUCHI Art Unit 1761 e as many sheets as necessary) Examiner Name Not yet assigned

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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number		Publication Date		
		Number	Kind Code ² (if known)	MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
/HRB/		US 1,866,184		07/05/1932	Richard Wehsarg et al.	
/HRB/		US 5,453,286	A	09/26/1995	Castberg et al.	
HRB/		US 5,962,046	Α	10/05/1999	Eyer et al.	
		US				
		US				
		US				
		US				
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Attorney Docket Number

Q88366

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document			Publication Date	Name of Patentee or	T
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Translation ⁶
/HRB/		DE	197 36 643	A1	02/25/1999		No
/HRB/		DE	196 17 521	Al	12/04/1997		No
/HRB/		EP	1 082 907	A2	03/14/2001		English
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		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (hook, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.		
/HRB/		XP-000822827 (1999), "TECHNISCHE GASE", pp. 275-281	No	
/HRB/		Partial European Search Report dated December 14, 2005		

	/Hamid Badr/	06/02/2008
Examiner Signature		Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to confident

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